

Message Text

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PAGE 01 ZANZIB 00050 051245Z

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C O N F I D E N T I A L ZANZIBAR 0050

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SUBJECT: JUMBE COMMUTES THREE DEATH SENTENCES

REF: 77 ZANZIBAR 204

1. IT HAS BEEN PUBLICLY ANNOUNCED (ON ZANZIBAR RADIO AND TELEVISION, IN NEWSPAPERS PUBLISHED ON THE MAINLAND THAT ON MARCH 30 THE CHAIRMAN OF THE ZANZIBAR REVOLUTIONARY COUNCIL, ABOUD JUMBE, WHO IS ALSO VICE PRESIDENT OF THE UNITED REPUBLIC OF TANZANIA, COMMUTED THE DEATH SENTENCES OF THREE APPELLANTS WHO STOOD TRIAL IN ZANZIBAR FOR TREASON.

2. CHARGED WITH PARTICIPATING IN THE APRIL 1972 ATTEMPT TO OVERTHROW ZANZIBAR'S GOVERNMENT, WHICH RESULTED IN THE ASSASSINATION OF ZANZIBAR'S THEN-PRESIDENT ABEID KARUME; THE THREE MEN - MIRAJI MPATANI ALI, RASHID MOHAMED AHMED UQFALLAHIL AND ISIHAKA HAJI JUMA (HARAKATI) - WILL NOW SERVE LIFE SENTENCES IN A ZANZIBAR REFORMATORY.

3. JUMBE ENDORSED THE JUDGEMENT WHICH THE SUPREME COUNCIL HAD PASSED IN FEBUARY 1977 AFTER HEARING AN APPEAL OF THE CASES THE SUPREME COUNCIL UPHELD THE DEATH SENTENCES ON THESE THREE MEN WHICH HAD BEEN PASSED BY THE PEOPLE'S COURT
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 ZANZIB 00050 051245Z

AND LATER ENDORSED BY THE HIGH COURT. THE SUPREME COUNCIL ALSO UPHELD DEATH SENTENCES ON FOUR MEN DETAINED ON THE MAINLAND WHO WERE TRIED IN ZANZIBAR IN ABSENTIA. (THESE FOUR MEN ARE: ABDULRAHMAN MOHAMED BABU, TAHIR ALI SALIM, HEMED HILAL MOHAMED AND ALI MAHFUDH MOHAMED.)

4. ACCORDING TO ZANZIBAR'S ATTORNEY GENERAL, UNDER ZANZIBAR

LAW, ONCE JUMBE HAD ENDORSED THE JUDGMENT OF THE SUPREME COUNCIL, HE COULD THEN ORDER THE EXECUTIONS, GRANT CLEMENCY OR DO NOTHING. HE CHOSE TO EXERCISE HIS PEROGATIVE FOR MERCY BY COMMUTING THE DEATH SENTENCES OF THE THREE. HE CAN GO FURTHER, AT ANY TIME, BY REDUCING THE LENGTH OF THE SENTENCES FOR ANY OF THESE PERSONS. JUMBE LEFT STANDING THE DEATH SENTENCES OF THE FOUR ON THE MAINLAND.

5. COMMENT: ALTHOUGH JUMBE' PERSONAL PREFERENCE REPORTEDLY WAS TO HAVE THE LEADERS OF THE PLOT SHOT AS A DETERRENT TO THOSE WHO MIGHT WISH TO CHALLENGE HIS GOVERNMENT, HIS ADVISORS HAD CONVINCED HIM THAT SUCH AN ACTION WOULD

DAMAGE THE ZANZIBAR-MAINLAND RELATIONSHIP AND WOULD RETURN ZANZIBAR'S IMAGE ABROAD TO THE NEGATIVE ONE IT HAD UNDER KARUME. IT HAS BEEN WIDELY RUMORED FOR SOME TIME THAT JUMBE WOULD FORMALLY COMMUTE THESE DEATH SENTENCES. THAT HE COULD DO SO INDICATES THAT HE FEELS SAFE AND SECURE IN HIS HOME BASE AND ABLE TO WEATHER THE CRITICISM OF THOSE MORE EXTREME ZANZIBARIS WHO WANTED THE DEATH SENTENCES CARRIED OUT.

6. TANZANIAN PRESIDENT JULIUS NYERERE PROBABLY USED HIS INFLUENCE TO ENCOURAGE JUMBE'S DECISION. JUMBE'S PRESENT ROLE AS VICE PRESIDENT OF THE UNITED REPUBLIC AND HIS POSSIBLE FUTURE

CONFIDENTIAL

PAGE 03 ZANZIB 00050 051245Z

ROLE AS PRESIDENT OF THE SAME UNDOUBTEDLY PLAYED A PART IN HIS DECISION, AS DID THE PRESENT U.S. AND INTERNATIONAL EMPHASIS ON HUMAN RIGHTS. JUMBE WISHES TO BE KNOWN AS A MODERATE, REASONABLE AND RATIONAL LEADER WHO CAN INTELLIGENTLY PLAY HIS PART IN WORLD AFFAIRS AND BE RESPECTED BY WORLD LEADERS - IN CONTRAST TO THE RADICAL, UNPREDICTABLE REPUTATION KARUME HAD. JUMBE'S DECISION TO COMMUTE THE THREE DEATH SENTENCES WILL CONTRIBUTE TO THE REPUTATION HE DESIRES AND GIVE THE LIE TO THOSE CRITICS WHO SEE ZANZIBAR AS A PLACE WHERE HUMAN RIGHTS ARE NON-EXISTENT AND THE JUDICIAL SYSTEM A MOCKERY.

7. THAT THE DEATH SENTENCES OF THE FOUR HELD BY THE MAINLAND WERE LEFT STANDING REFLECTS JUMBE'S DISGRUNTLEMENT OVER THE FACT THAT THEY (AND TEN OTHERS HELD ON THE MAINLAND) WERE NEVER TURNED OVER TO ZANZIBAR FOR TRIAL. BECAUSE IT WAS NECESSARY TO TRY THEM IN ABSENTIA, HE PRESUMABLY FEELS THEIR SENTENCES SHOULD STAND UNTIL THEY PERSONALLY APPEAR BEFORE THE ZANZIBAR COURTS. IN ADDITION, ABDULRAHMAN MOHAMED BABU, FORMER MEMBER OF ZANZIBAR'S REVOLUTIONARY COUNCIL AND ONCE TANZANIA'S MINISTER OF ECONOMIC AFFAIRS AND DEVELOPMENT PLANNING, IS GENERALLY CONSIDERED TO HAVE BEEN THE LEADER OF THE

PLOT. JUMBE'S FEELINGS ABOUT THE PLOTTERS AND APPREHENSIONS ABOUT HIS OWN GOVERNMENT MAY PRECLUDE MERCY FOR THE PRIME MOVER. IN ANY CASE, AS THE MAINLAND IS MOST UNLIKELY TO EXECUTE THE FOUR, OR TURN THEM OVER TO ZANZIBAR; JUMBE IS NOT LIKELY TO ISSUE A POINTLESS ORDER FOR THEIR EXECUTION. THUS THESE FOUR, ALSO, HAVE IN EFFECT RECEIVED LIFE SENTENCES.

8. THE END RESULT OF ZANZIBAR'S "TREASON TRIALS" IS, TO SOME EXTENT AT LEAST, VINDICATION FOR ZANZIBAR'S OFTEN CRITICIZED JUDICIAL SYSTEM. IN FACT, THE FAIRNESS OF THE SYSTEM DEPENDS ON THE QUALITY OF THE ATTORNEY GENERAL, BUT IN THIS CASE JUSTICE WAS SERVED. BECAUSE ZANZIBAR DOES NOT PERMIT DEFENSE ATTORNEYS AND THE ATTORNEY GENERAL ACTS AS BOTH PROSECUTION AND DEFENSE, THE ATTORNEY GENERAL IN THIS CASE FELT HIS RESPONSIBILITY
CONFIDENTIAL

CONFIDENTIAL

PAGE 04 ZANZIB 00050 051245Z

DEEPLY. HE TOOK GREAT PAINS TO COLLECT SUFFICIENT EVIDENCE TO PROVE GUILT, ARGUED AGAINST THE USE OF COERCED CONFESSIONS AND TESTIMONY AND APPEALED FOR CLEMENCY FOR ALL WHO WERE GIVEN THE DEATH SENTENCE. HE WAS PARTICULARLY INSISTENT THAT NONE OF THOSE WHO WERE FORCED TO PLEAD GUILTY SHOULD FACE THE DEATH PENALTY. OF THE SIX IN THIS CATEGORY, ONLY ONE (MIRAJI MPATANI ALI) HAD HIS DEATH SENTENCE UPHOLD ON APPEAL AND IT HAS NOW OF COURSE BEEN COMMUTED TO LIFE IMPRISONMENT BY JUMBE. OF THE 57 ZANZIBARIS CHARGED WITH PARTICIPATING IN THE APRIL 1972 PLOT, FORTY-THREE WERE IMPRISONED IN ZANZIBAR AND ATTENDED THEIR TRIAL AND APPEAL HEARINGS. OF THESE FORTY-THREE, ONE DIED IN PRISON BEFORE HIS APPEAL WAS CONSIDERED, FIVE WERE ACQUITTED ON APPEALS, THIRTEEN HAVE BEEN RELEASED AFTER SERVING THEIR SENTENCES, TWENTY-THREE ARE STILL SERVING PRISON SENTENCES OF FROM NINE TO THIRTY YEARS AND FOUR ARE UNDER LIFE IMPRISONMENT. OF THE FOURTEEN HELD BY THE MAINLAND AND TRIED IN ABSENTIA FOLLOWING THEIR APPEALS, FOUR ARE UNDER SENTENCE OF DEATH, THE REMAINDER ARE SERVING PRISON SENTENCES OF FROM 15 TO 30 YEARS.
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